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110TH CONGRESS
1ST SESSION

H. R. 3968

To amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2007

Mr. Ross introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Medicare Respiratory
5 Therapy Initiative Act of 2007".

1 SEC. 2. MEDICARE COVERAGE OF SERVICES OF QUALIFIED
 2 RESPIRATORY THERAPISTS PERFORMED
 3 UNDER THE GENERAL SUPERVISION OF A
 4 PHYSICIAN.

5 (a) IN GENERAL.—Section 1861 of the Social Secu-
 6 rity Act (42 U.S.C. 1395x) is amended—

7 (1) in subsection (s)(2)—

8 (A) by striking “and” at the end of sub-
 9 paragraph (Z);

10 (B) by adding “and” at the end of sub-
 11 paragraph (AA); and

12 (C) by adding at the end the following new
 13 subparagraph:

14 “(BB) respiratory therapy services which would
 15 be physicians’ services if furnished by a physician
 16 (as defined in subsection (r)(1)) for the diagnosis
 17 and treatment of respiratory illnesses and which are
 18 performed by a respiratory therapist (as defined in
 19 subsection (ccc)) under the general supervision of a
 20 physician and which the respiratory therapist is le-
 21 gally authorized to perform by the State in which
 22 the services are performed, but only if no facility or
 23 other provider charges or is paid any amounts with
 24 respect to the furnishing of such services.”; and

25 (2) by adding at the end the following new sub-
 26 section:



1 “Respiratory Therapist

2 “(ccc) For purposes of subsection (s)(2)(BB) and
3 section 1833(a)(1)(W) only, the term ‘respiratory thera-
4 pist’ means an individual who—

5 “(1) is credentialed by a national credentialing
6 board recognized by the Secretary;

7 “(2)(A) is licensed to practice respiratory ther-
8 apy in the State in which the respiratory therapy
9 services are performed, or (B) in the case of an indi-
10 vidual in a State which does not provide for such li-
11 censure, is legally authorized to perform respiratory
12 therapy services (in the State in which the individual
13 performed such services) under State law (or the
14 State regulatory mechanism provided by State law);

15 “(3) is a registered respiratory therapist; and

16 “(4) holds a bachelor’s degree.”.

17 (b) PAYMENT.—Section 1833(a)(1) of such Act (42
18 U.S.C. 1395l(a)(1)) is amended—

19 (1) by striking “and” before “(V)”; and

20 (2) by inserting before the semicolon at the end
21 the following: “(W) with respect to services de-
22 scribed in section 1861(s)(2)(BB) (relating to serv-
23 ices furnished by a respiratory therapist) that are
24 furnished by a respiratory therapist (as defined in
25 section 1861(ccc)), the amount paid shall be equal



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1 to 80 percent of the lesser of the actual charge for
2 the services or 85 percent of the fee schedule
3 amount provided under section 1848 for the same
4 services if furnished by a physician”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to services furnished on or after
7 January 1, 2008.

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